

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Trustees of the Operating Engineers Local 137, 137A, 137B,	)	
137C & 137R Annuity, Pension, Welfare and Apprenticeship	)	
Skill Improvement & Safety Funds of the International Union	)	Index # 20-cv-00039 (KMK)
of Operating Engineers, Local 137, 137A, 137B, 137C & 137R	)	
and the International Union of Operating Engineers Local 137,	)	
137A, 137B, 137C & 137R,	)	
	)	
Plaintiffs,	)	DEFAULT JUDGMENT
-against-	)	
	)	
PCI INDUSTRIES CORP.,	)	
	)	
Defendant,	)	
	)	

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This action having been commenced on January 1, 2020 with the filing of the summons and complaint and the summons and complaint were served upon the Employer on January 7, 2020 via NYS Secretary of State and proof of such service thereof was filed on January 10, 2020 and the defendant not having appeared, answered or otherwise moved with respect to the Complaint within the time allowed by law, and the time for appearing, answering or otherwise moving having expired it is,

ORDERED, ADJUDGED AND DECREED: that Plaintiffs have judgment against Defendant in the liquidated amount of One Hundred Twenty Three Thousand Seven Hundred Twenty Three Dollars and Forty One Cents (\$123,723.41) which includes the following: \$5,895.90 in unpaid fringe benefit contributions and dues check-off for the period November 1, 2016 through December 31, 2018 (audit findings); \$1,305.11 in interest calculated at 10% per annum for each delinquent month through February, 2020; \$589.59 in liquidated damages calculated at 10% of the principal amount due for the period November 1, 2016 through December 31, 2018; \$48,580.13 in shortages owed on unpaid fringe benefit contributions and dues check-off for the period June, 2019, November, 2019 through March, 2020; \$1,619.33 in interest calculated at 10% per annum for each delinquent month through July, 2020; \$4,858.01 in liquidated damages calculated at 10% of the principal amount due for the period June, 2019, November, 2019 through March, 2020; \$48,170.83 in unpaid fringe benefit contributions and dues check-off for the period April, 2019 through May, 2019; \$5,619.93 in interest calculated at 10% per annum for each delinquent month through July, 2020; \$4,817.08 in liquidated damages calculated at

10% of the principal amount due for the period April, 2019 through May, 2019; attorneys' fees in the amount of \$1,787.50; court costs and disbursements in the amount of \$480.00 pursuant to the Agreement and in accordance with Section 502(g)(2)(D) of ERISA 29 U.S.C. 1132 (g)(2)(D)).

ORDERED, that the Judgment rendered by the Court on this day in favor of the Plaintiffs is entered as a final judgment against Defendant and the Clerk of the Court is directed to enter such judgment forthwith.

Dated: White Plains, New York  
August 26, , 2020

So Ordered:

A handwritten signature in black ink, appearing to read 'K. Karas', written over a horizontal line.

Honorable Kenneth M. Karas, U.S.D.J.